

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.04.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

HCP.No.321 of 2019

P.R.Shyju

..

Petitioner

Versus

1.The Commissioner of Police,
Greater Chennai City Police,
Vepery, Chennai-600 007.

2.The Inspector of Police,
E-3 Teynampet Police Station,
Teynampet, Chennai-600 018.

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Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus to direct the respondents 1 and 2 to produce the body of the petitioner's wife, detenue Archana w/o.P.R.Shyju aged 37 years, before this Court and set her at liberty.

For Petitioner : Mr.M.Shreedhar

For Respondents : Mr.C.Iyyappa Raj
Additional Public Prosecutor

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

The petitioner claims to be the husband of the detenue and came forward to file this Habeas Corpus petition alleging that the detenue namely P.R.Shyju, aged about 37 years is in the illegal custody of her parents.

2. The Habeas Corpus Petition was entertained on 11.02.2019 and thereafter it was listed on 20.03.2019 and again adjourned to 03.04.2019. When the matter is called today, the Inspector of Police, Teynampet Police Station, Chennai, has filed a Status Report dated 01.04.2019 and it is relevant to extract Paragraph Nos.4 and 5 of the said report:

4. I submit that the detailed enquiry reveals that

(i) On enquiry conducted with the neighbours of the detenu and her parents' house where they are living at T.Nagar, Chennai, I came to know that presently they were not available at the said house and the detenu got married with another person and thereafter all of them went to Karnataka.

(ii) CDR report of mobile numbers belonging to the detenu and her parents 9160494278/8939478196 reveal that the said mobiles are being used and tower location shows nearby Karwar Port located in Karnataka.

(iii) On 23.03.2019, I tried to contact the detenu, but she did not pick up. Thereafter I have contacted her through mobile phone with regard to the complaint made by the petitioner and received a reply on 24.03.2019 wherein she sent a divorce order copy passed by the Learned II nd Additional Principal Judge, i/c of 1st Additional Family Court, Chennai filed by the detenu in O.P.NO.1903/2016 dated 29.11.2016 and also sent a letter to the Sub Inspector of Police, stating that after divorce she has got married one Kirankumar 2 years back and have a kid and residing in Karnataka state.

5. I submit that based on the above and divorce order dated 29.11.2016, I found that the petitioner lodged a complaint which exaggerated one. Hence on 26.03.2019. I have closed the said complaint after due enquiry and the same was intimated to the petitioner over phone on the same day, since he is carrying business at 'The Nilgiris' and he never came to Chennai for enquiry.'

3. Mr.C.Iyyapparaj, learned Additional Public prosecutor appearing for the State would submit that the detenu himself has written a letter dated 24.03.2019 to the Sub-Inspector of Police, E-3 Police Station, Teynampet, Chennai stating about the exparte decree and also brought to their knowledge that the petitioner was also informed as to the said divorce. She would further state that she had undergone domestic abuse at the hands of the petitioner and the petitioner also made an attempt to murder her in the year 2010 and she has been saved by none other than his own father. It is further stated by the detenu in the said letter that she has also got married subsequently and out of wedlock has begot a child. The learned Additional Public Prosecutor would further add that in the light of the said development, C.S.R.No.121/2018 registered by the 2nd respondent has been closed.

4. In the light of the above facts and circumstances, this Court is of the considered view that the Habeas Corpus petition is not maintainable and therefore, it is dismissed.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner of Police,
Greater Chennai City Police,
Vepery, Chennai-600 007.

2.The Inspector of Police,
E-3 Teynampet Police Station,
Teynampet, Chennai-600 018.

3.The Public Prosecutor
High Court, Madras.

+1cc to Mr.M.Shreedhar, Advocate, S.R.No.31941

HCP.No.321 of 2019

NA(CO)

vkr(24/05/2019)

सत्यमेव जयते
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